

ORIGINAL

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
 Washington, D.C.

In the Matter of	)	MM Docket No. 01-47
	)	
Amendment of Section 73.202(b)	)	RM-10063
Table of Allotments	)	RM-10119
FM Broadcast Stations	)	RM-10120
(Valley Mills, Texas)	)	
To: Assistant Chief,		
Audio Division		
Media Bureau		

WITHDRAWAL OF CONSENT AND SUPPORT

On April 9, 2001, a counterproposal was filed in this proceeding by Pecan Bayou Radio ("Pecan Bayou"), and Roy E. Henderson as licensee of radio station KBAL(FM) in San Saba, Texas ("KBAL(FM)"), proposing a change of channel and site proposed by KBAL(FM) ("Option I"), and also a change proposed by Pecan Bayou adding allocations at Hico and Richland Springs, Texas, along with a change of channel and transmitter site for KBAL(FM) to which KBAL(FM) consented ("Option II").

On April 16, 2001, KBAL(FM) and Pecan Bayou jointly filed a "Partial Withdrawal" by which KBAL(FM) withdrew its direct portion of the counterproposal ("Option I"), but continued its consent to the change in channel and transmitter site for KBAL(FM) as proposed by Pecan Bayou in Option II, and also its indicated support of the Pecan Bayou proposal.

Since that time KBAL(FM) has now determined that the changes as proposed for KBAL(FM) by Pecan Bayou are no longer in the station's best interests and, by letter sent on Monday, August 9,

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2004, KBAL(FM) has now advised Pecan Bayou of its withdrawal of consent and withdrawal of support of the Pecan Bayou counterproposal, effective immediately. Also, attached hereto is a copy of the above-referenced letter sent to Pecan Bayou, along with a Declaration of Roy E. Henderson attesting to the facts and certifying that no consideration was received or to be received for any of these actions taken.

Wherefore, it is respectfully requested that the Commission note the change of facts relevant to this proceeding as set forth herein.

Respectfully submitted,

Roy E. Henderson, Licensee of  
Radio Station KBAL(FM)

by 

Robert J. Buenzle

His Counsel

Law Offices  
Robert J. Buenzle  
11710 Plaza America Drive  
Suite 2000  
Reston, Virginia 20190  
(703) 430-6751

August 10, 2004

**DECLARATION**

Roy E. Henderson, under penalty of perjury, hereby states and declares the following:

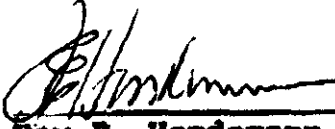
That he is licensee of radio station KBAL(FM) in San Saba, Texas, which joined in support of a counterproposal by Pecan Bayou Radio in MM Docket 01-47, as filed in April of 2001, and where KBAL included its consent to a change of channel and transmitter site as set forth therein; and

That, effective today, KBAL(FM) has advised Pecan Bayou of its withdrawal of consent to channel and site change for KBAL(FM) and its withdrawal of support of the Pecan Bayou proposal, as set forth in a letter to Pecan Bayou sent today, a true copy of which is attached hereto; and

That, to the extent that KBAL(FM) had joined in support of the Pecan Bayou proposal in MM Docket 01-47, and now withdraws that support, that in connection therewith, it is also hereby certified that neither KBAL(FM), nor any principal of KBAL(FM) has received or will receive any money or other consideration in exchange for any of its actions as set forth herein.

The above statements of fact are true and correct to the best of my own personal knowledge and belief.

Signed and dated this 9th day of August, 2004.



Roy E. Henderson,  
Licensee, KBAL(FM),  
San Saba, Texas

Radio Station KBAL(FM)  
1110 West William Cannon Drive  
Suite 402  
Austin, Texas 78745-5460

August 9, 2004

SENT BY FAX to 202 879-8971

Mark N. Lipp, Esq.  
J. Thomas Nolan, Esq.  
Vinson & Elkins, L.L.P.  
1455 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Mr. Lipp:

In April of 2001, KBAL joined with Pecan Bayou Radio in filing a counterproposal on April 9, 2001, in MM Docket No. 01-47 which included an "Option I" proposal to change the channel and community of KBAL as proposed by KBAL(FM), and an "Option II" proposal by Pecan Bayou for allotments at Hico and Richland Springs, Texas, which also included KBAL's consent to change channels and transmitter site.

On April 16, 2001, The parties filed a partial withdrawal which recognized the withdrawal of KBAL of its proposal (Option I), but which continued the Pecan Bayou Proposal (Option II) along with KBAL's consent and support of that proposal.

It has now been several years since that proposal was filed and KBAL herewith advises you, as counsel for Pecan Bayou, that, effectively immediately, KBAL herewith withdraws its consent and support by KBAL for the Pecan Bayou counterproposal in MM Docket 01-47, and that KBAL will also proceed immediately to report this change to the Federal Communications Commission.

Very truly yours,

Radio Station KBAL(FM)  
San Saba, Texas

By:   
Roy E. Henderson, Licensee

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Withdrawal of Consent and Support have been served by United States mail, postage prepaid this 10th day of August, 2004, upon the following:

\*John A. Karousos, Esq.  
Assistant Chief, Audio Division  
Office of Broadcast License Policy  
Media Bureau  
Federal Communications Commission  
Portals II, Room 3-A266  
445 12th Street SW  
Washington, D.C. 20554

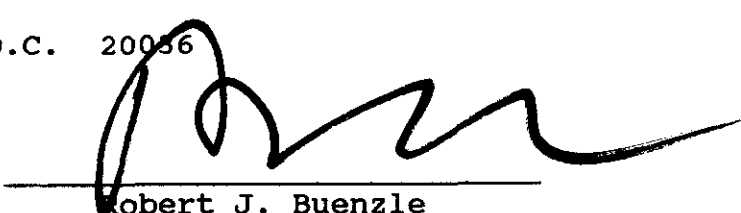
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Robert J. Buenzle

\* Also sent by fax